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Claims on Appeal Partially Withdrawn

The Board of Appeals and Interferences (Board), in Ex parte Ghuman, <http://www.uspto.gov/web/offices/dcom/bpai/prec/rm081175.pdf> (BPAI May 14, 2008) (precedential), held that in appeals where rejected claims are expressly withdrawn, or are implicitly withdrawn by not presenting arguments in support of patentability, the Board will remand (or return) the application to the Examiner with instructions to cancel the expressly or implicitly withdrawn claims. See also Manual of Patent Examining Procedure (MPEP) § 1215.03 (8th ed. Rev. 6, Sept 2007).

According to MPEP § 1215.03, "a withdrawal of the appeal as to some of the claims on appeal operates as an authorization to cancel those claims from the application or reexamination proceeding and the appeal continues as to the remaining claims." Therefore, Claims 13 - 20 are hereby canceled.

Reply Brief Noted

The reply brief filed August 22, 2007 has been entered and considered. The application will be forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY A. EL SHAMMAA whose telephone number is (571)272-2469. The examiner can normally be reached on M-F (8:30am-5:00pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 571.272.2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mary A. El-Shammaa/
Patent Examiner, Art Unit 2883

/Frank G Font/
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